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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/049,854	05/21/2002	Johannes Andreas Stoffers	2001-1017	2462

466 7590 01/15/2003

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ARLINGTON, VA 22202

EXAMINER

HORTON, YVONNE MICHELE


ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 01/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

SK

<b>Office Action Summary</b>	Application No. <b>10/049,854</b>	Applicant(s) <b>Stoffers et al.</b>	
	Examiner <b>YVONNE M. HORTON</b>	Art Unit <b>3635</b>	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on Feb 19, 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some\* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3)  | 6) <input type="checkbox"/> Other:  |

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## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Claim Objections***

2. Claims 1-4 are objected to because of the following informalities: "characterised", in claims 1-4, should be --characterized--. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4, 7 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #4,671,025 to BUTLER. BUTLER discloses the use of a transparent roof assembly, column 2, line 22, including a longitudinal direction along (11,14) and a transverse direction (12,13) perpendicular thereto; wherein the assembly further includes a plurality of pairs of first surfaces (21-25) extending along the transverse direction (12,13) and meeting at an apex (H1-H7) and a

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second pair of surfaces (26-38) extending along the longitudinal direction (11,14) and also meet at the apexes (H1-H7). The surfaces (21-25) extend at an angle ( $\Theta$ ) to the base (11,14) and the surfaces (26-38) extend at an angle ( $\gamma$ ) to the base (11,14). Regarding claim 2, the longitudinal edges (11,14) and transverse edges (12,13) form a rectangle and the common apexes (H1-H7) are disposed above the rectangle formed by (11-14). In reference to claim 3, the first surfaces (21-25) touch the second surfaces (26-38) at the apexes (H1-H7). Regarding claim 4, the surfaces (21-25) and (26-38) are double walled in that they each include a base (B) and transverse links (T), see the marked attachment.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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7. Claims 5,6 and 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #4,671,025 to BUTLER. BUTLER discloses the basic claimed roof assembly except for the distances from the base to the apexes, the specifics of the angles between the bases and the surfaces, and the wall thicknesses. In regards to claims 5-6,9 and 10, It would have been an obvious matter of design choice to select the distance between the bases and the first and second surfaces for the suitability for the use intended. Perhaps if more reflection is required less distance is required or vice-versa. In reference to claim 11, the selection of a particular angle between the bases and the first and second surfaces is also an obvious matter of design choice which would depend upon the suitability for the use intended. In reference to claim 12, the wall thickness is also another matter of design choice that would vary to depend upon the desired amount of reflection or light transmission. Regarding claim 13, the roof of BUTLER is provided with coupling means (53,54), hinges (see figures 11 and 13) and nuts and bolts (column 4, line 47).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (703) 308-1909.

YMH

January 13, 2003

A handwritten signature in black ink, appearing to be 'YMH' with a large circular flourish around the 'H'.

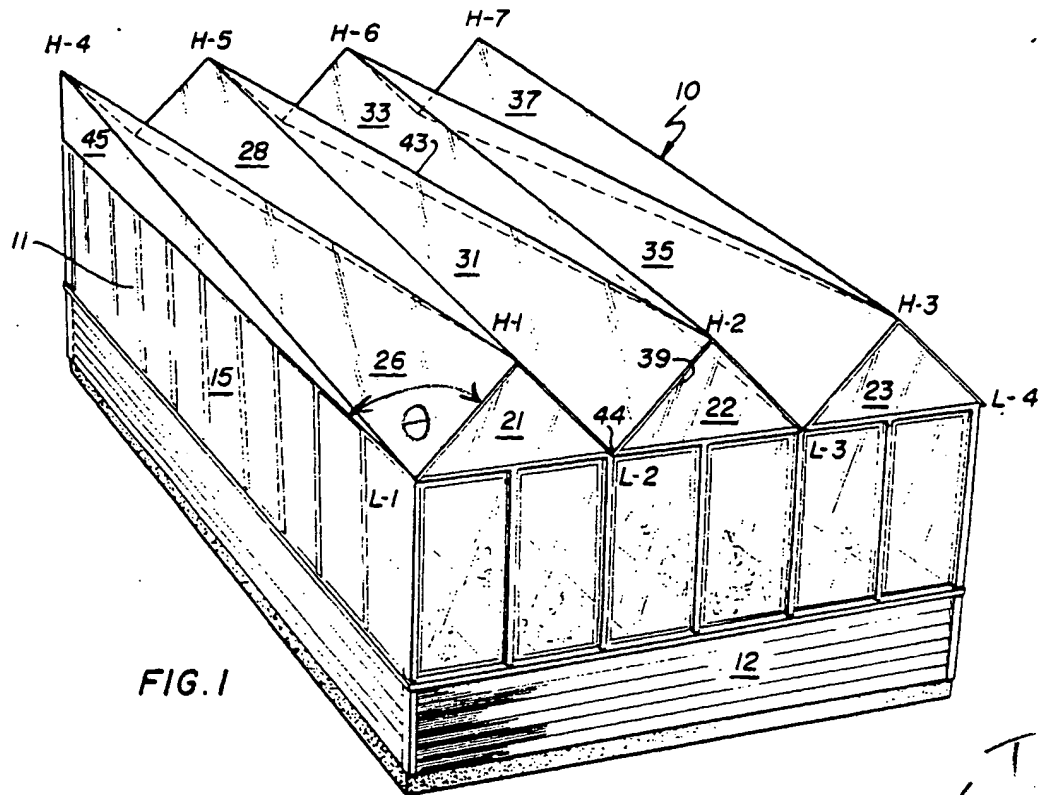


FIG. 1

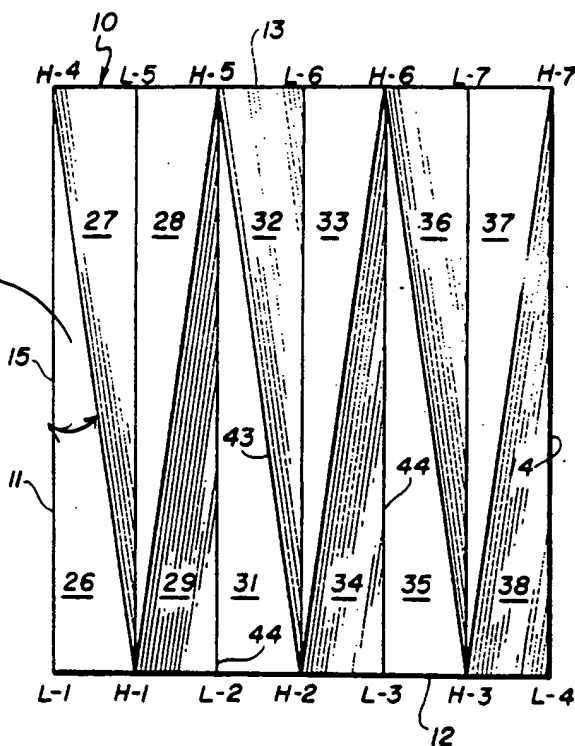


FIG. 2

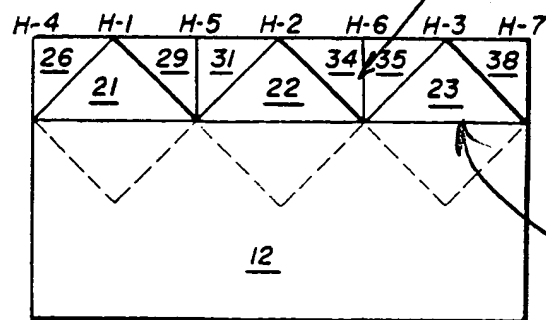


FIG. 3

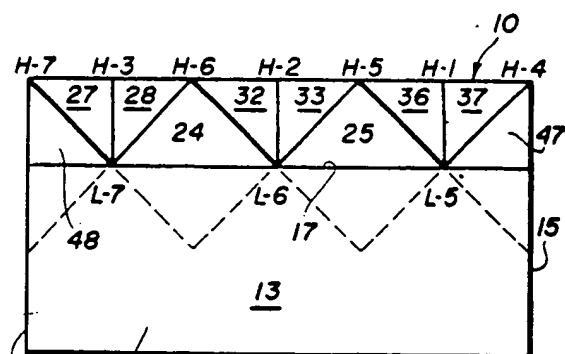


FIG. 4